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Rep. Ted Davis, Jr. ted.davis@ncleg.net
Rep. Sarah Stevens sarah.stevens@ncleg.net
Sen. Andy Wells andy.wells@ncleg.net
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I represent the Town of Siler City as Town Attorney. Attached hereto is the Town of Siler City's response to the requirement to report its criminally enforceable ordinances, set forth in S.L. 2019-198. If you have any questions or concerns regarding this response or desire additional information, then please do not hesitate to contact me.

Sincerely,
William C. Morgan, Jr.

cc. Town Manager Roy Lynch, Town Clerk Jenifer Johnson

Code of Ordinances: https://library.municode.com/nc/siler_city/codes/code_of_ordinances

Unified Development Ordinance: http://www.silercity.org/index.asp?Type=B_BASIC&SEC={28A33248-3C41-4E34-9D0E-E93B7F7147A9}&DE={8F1D63EE-855D-495F-B18A-5604197F4003}

Chapter 1 General Provisions

Sec. 1-10. - Altering Code.

Except by official board action, it shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages, or any portions thereof, or to alter or tamper with such Code in any manner whatsoever.

Sec. 1-12. - General penalty for violation of Code; continuing violations.

- (a) Provides that violations of any ordinance where no specific penalty is provided therefor, shall be punished by a fine not exceeding \$50.00 or imprisonment for a term not exceeding 30 days or both and that each day that a violation continues shall constitute a separate offense.

Chapter 3 Advertising.

Sec. 3-1. - General restrictions.

No person shall advertise any goods, wares or merchandise of any kind for sale by crying out the same on the streets or sidewalks of the town. No person shall advertise any goods, wares or merchandise, or any event of any kind, by crying out the same, or by using any megaphone, bell, horn or other noise-making device on any street or sidewalk; nor shall radios or loudspeakers be operated in such a manner as to project sound outside the confines of the building in which they may be located.

Sec. 3-2. - Sound vehicles restricted.

It shall be unlawful for any person to advertise any goods, wares or merchandise of any kind by the use of any amplifying equipment used by or mounted on any vehicle, boat or aircraft without first having obtained a permit therefor from the town manager or chief of police.

Sec. 3-3. - Marking of streets, sidewalks prohibited.

It shall be unlawful for any person to advertise, or attempt to advertise, by marking or painting on any of the streets or sidewalks within the town.

Sec. 3-4. - Misrepresentation of goods prohibited.

It shall be unlawful for any person, running and conducting a public sale within the town of any goods, wares or merchandise, to falsely advertise or misrepresent the same as being imported, or falsely represent the same as to brand, trademark, quality, weight and texture.

Sec. 3-5. - Misleading advertising or display of goods.

It shall be unlawful for any person, running or conducting any mercantile business in the town, to display in his windows or place of business any goods, wares or merchandise which are not in fact priced in good faith and carried in stock for sale in accordance with such display or advertisement so made, and it shall be unlawful for any person to display any misleading advertisements or displays as to the goods, wares or merchandise actually carried in stock for sale.

Sec. 3-6. - Posting on property of others, consent required.

No person shall post any bills, signs, posters or advertisements on any buildings, fences, poles or other property belonging to another without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the same to any police officer on demand.

Sec. 3-7. - Posting on poles prohibited.

No person shall post any bills, posters, signs or advertisements on any telegraph, telephone, electric light or other pole along any of the streets of the town; provided, that this section shall not be construed to include street signs, placed on the poles by the town for designating names of streets. Each sign, poster, bill or advertisement posted in violation of this section shall constitute a separate offense.

Sec. 3-8. - Mutilation of signs.

It shall be unlawful to tear, deface, mutilate, take down or in any manner destroy any advertisement, legal, public or private notice lawfully posted for public view within the corporate limits, except that the owner of the property, upon which such advertisement or notice has been posted without his permission, may remove the same.

Sec. 3-9. - Signs, banners across streets.

No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the town without a sign permit.

Sec. 3-38. - Scattering prohibited.

No person shall promiscuously distribute handbills or advertisements of any kind by placing, or throwing, the same on any street, or lot, or otherwise. Such handbills or advertisements shall be enclosed in an envelope, or clipped, and placed under the mailbox of each house where such advertising matter is left.

Chapter 4 Airport Regulations.

Section 4-53 General Regulations

(d) Any person violating any of the airport rules and regulations may be punished as provided by law or ordinance or, at the discretion of the manager, may be deprived of the use of the airport facilities for such period of time as may be necessary to be effective.

(e) No person shall solicit funds for any purpose and no signs or advertisements may be posted at the airport without permission of the owner.

(f) Garbage, refuse and other waste material shall be placed in receptacles provided for such purposes and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, or other airport property.

Section 4-54 Motor Vehicle Regulations

(a) Unless authorized by the airport manager, no highway or automotive vehicle shall be operated on the airport except on roadways, parking areas, etc., that are specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the airport manager while on the airport and as indicated by posted signs.

(b) No surface vehicles shall be permitted on the runways, taxiways, aprons, or ramps without the express permission of the airport manager unless the operation of such vehicle is in accordance with prior agreement to accomplish a necessary airport purpose, service or inspection. All vehicles must while operating on the runways, taxiways, aprons and ramps display at least one (1) rotating warning light, visible for three hundred sixty (360) degrees around the vehicle and all flashing lights, if so equipped. All such vehicles shall be in two-way radio communication with the airport operations personnel at all times.

(c) No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading unless authorized by the airport manager.

(d) No person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed limits. All aircraft have right-of-way over all surface vehicles.

(e) All vehicles permanently operating within the landing area shall be painted a bright yellow or international orange or display an international orange and white checkered flag of not less than three (3) feet square, with one-foot squares.

(f) Every accident involving injury or property damage shall be reported to the airport manager.

Sec. 4-55. - Aircraft operations regulations.

(a) The FAA air traffic rules and regulations governing the operation of aircraft in effect as of this date, as well as all additions thereto, are made a part of these airport rules and regulations as fully as if set forth herein.

(b) Aircraft shall not be parked between the gasoline pumps and the flight operations area.

(c) Aircraft engines shall be started and run up only in the places designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.

(d) No aircraft shall be parked or stored at the airport except in the areas designated for such use.

(e) The performance of aircraft and engine repair and maintenance is considered to be an aeronautical service regulated by the owner except where such services or repairs are performed by the aircraft owner or his employees. The airport owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the owner may prohibit the performance of such services in tie-down areas and prescribe rules for the use of such owner type aircraft maintenance areas.

(f) At the direction of the airport manager, the operator, owner, or pilot of any illegally parked aircraft on the airport shall move the aircraft to a legally designated parking area on the airport. If the operator refuses to comply with the directions, the owner, through the airport manager, may tow the

aircraft to such place at the operator's expense and without liability for damage that may result from such moving.

(g) In the event of an accident, the owner, through the airport manager, may, in compliance with FAA and other government regulations, move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the owner and without liability for damage resulting from such moving.

(h) The pilot of an aircraft involved in an accident on or near the airport causing personal injury or property damage, shall report the accident to the airport manager. In the event that he is unable to do so, the owner of the aircraft or his agent shall make such report.

(i) Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.

(j) The airport manager shall have the authority to detain any aircraft for nonpayment of any charges dues.

(k) No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.

(l) Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, person, or property.

(m) All takeoffs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas.

(n) No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by airport attendants, shall be permitted to enter the landing area proper, taxi space, or aprons. However, this does not give any person or persons so excepted the privilege or unrestricted use of the airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections, and routine duties.

Sec. 4-56. - Rules for aircraft fueling operations.

(a) No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area.

(b) During all fuel operations, the aircraft shall be grounded by a grounding rod or other approved method.

(c) Smoking or lighting of an open flame shall be prohibited in all aircraft operation areas.

(d) Fueling operations shall be conducted only in the areas designated unless written permission is granted by the owner.

(e) No fuel storage and dispensing equipment shall be installed and used at the airport without the prior written approval of the owner. All such equipment shall be of a modern design and shall be kept in a safe and nonleaking condition.

Sec. 4-57. - Fire regulations.

(a) Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty (50) feet of an aircraft, all A/C OPS areas, and within fifty (50) feet of hangars, fuel trucks, or fuel loading stations, and tank farms.

(b) No person shall start an open fire anyplace on the airport without permission of the airport manager.

(c) No person shall store material or equipment, use flammable liquids or gases, or allow their premises to become in such condition as to violate, in any manner, the fire code in force in the area of the airport. The storage of paint thinners, fuels or other such volatile materials in hangars is prohibited.

(d) Tenants of all hangars and buildings shall provide suitable fire extinguisher equipment, and they shall be kept in good condition as recommended by the fire chief and inspected at least every twelve (12) months by trained personnel.

(e) Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and unsightly objects. If, after warning by the airport manager, the area is not cleaned, cleaning will be done by the airport manager and billed to the tenant or person.

Chapter 5 Alcoholic Beverages.

Sec. 5-1. - Public drunkenness.

It shall be unlawful for any person to be drunk and disorderly in any public place or any public street in the town.

Sec. 5-2. - Consumption or display of malt beverage, unfortified wine.

(a) It shall be unlawful for any person to consume any malt beverage or unfortified wine, as defined under G.S. Ch. 18B (G.S. 18B-100 et seq.) in or on any public street, right-of-way, sidewalk, alley or other public place within the town or on any town-owned property which is located inside or outside the town limits.

(b) It shall be unlawful for any person to display or possess any opened malt beverage or unfortified wine bottle, can or other container in or on any public street, right-of-way, sidewalk, alley or other public place within the town or on any town-owned property which is located inside or outside the town limits.

Chapter 6 Pool, Billiards and Similar Amusements

Sec. 6-27. - Prohibited actions by owner or operator.

It shall be unlawful for the operator, owner, manager, licensee or any employee of a billiard hall to:

(1) Suffer or permit or engage in betting or wagering on the game of pool.

(2) Suffer, permit or engage in the act of throwing dice, card playing, raffle, other games of chance, or any form of gambling on the premises of the billiard hall.

- (3) Operate, suffer or permit the operation of any slot machine, punch board, pigeon board, ball ticket or other mechanical gambling device on the premises of the billiard hall.
- (4) Suffer or permit any person under eighteen (18) years of age to enter or remain in such billiard hall wherein beer, wine, or any alcoholic beverages are sold or consumed.
- (5) Suffer or permit the premises to become disorderly.
- (6) Suffer or permit the premises to become unclean or unsanitary, or block any passageway, or fail to have the premises well lighted, or prevent the inspection of the premises by a duly qualified town official.
- (7) Knowingly employ, in conducting the business of the billiard hall, any person who has been convicted of a felony.
- (8) Sell or offer for sale any goods, wares or merchandise of any kind or description in any billiard hall, except that the sale of refreshments and articles associated with billiards are exempt from this provision.
- (9) No licensee nor employee of any licensee shall open or allow to remain open any hall or room containing therein devices licensed under this article between the hours of 1:00 a.m. and 7:00 a.m. eastern standard time or daylight saving time, whichever is in effect.

Sexually Oriented Business

Sec. 6-54. - License required.

(a) It is unlawful:

- (1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Town of Siler City pursuant to this article.
- (2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the town pursuant to this article.
- (3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this article.

Chapter 7 Animals.

Sec. 7-1. - Running at large prohibited.

It shall be unlawful for any person owning or having in his care or custody any animal or fowl, other than common household pets, to permit or allow the same to run at large upon any public property within the town.

Sec. 7-2. - Keeping hogs prohibited.

It shall be unlawful for any person to keep, raise or breed swine, or to maintain any lot, hogpen or other enclosure where swine shall be raised, kept or bred within the town. The provisions of this section shall

not be construed to prevent the establishment of hog markets or the maintenance of hog marketing facilities within the town.

Sec. 7-3. - Disposal of dead animals.

No person shall deposit or cause to be deposited the carcass of any dead animal in the streets, roads, alleys, woods or waters within the town.

Sec. 7-32. - Protection of birdlife.

It shall be unlawful for any person to hunt, kill, trap, or otherwise take, or attempt to shoot or molest in any manner, any bird or other wildfowl or to rob birds' nests or wildfowl nests within the town, except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the town limits. However, this section does not protect any birds classed as a pest under G.S. Ch. 113, Art. 22A (G.S. 113-300.1 et seq.) and the Structural Pest Control Act of North Carolina of 1955 (G.S. 106-65.22 et seq.) or the North Carolina Pesticide Law of 1971 (G.S. 143-434 et seq.).

Chapter 8 Buildings.

Sec. 8-2. - Assigned house number to be posted; standards.

Within ninety (90) days after written notice by the town, of the assignment of or change of a number for any house, building, mobile home park, or condominium complex, the owner or occupant of such property shall be required to post the number (including any letters so assigned in an approved area on such property in accordance with the requirements of subsections (1), (2), (3), (4), and (5) below. In addition, any owner of any house, building or unit which has been previously assigned a number shall comply with subsections (1), (2), (3), (4), and (5) no later than ninety (90) days after adoption.

(1) The minimum height of the number(s) placed on a house, building, mobile home lot/site, or unit shall be not less than four (4) inches; however, the building number of an apartment townhouse, or condominium complex shall be not less than six (6) inches high and shall be placed either in the approximate center of the building or on the street and on the building so that it is clearly visible from either the public or private street from which it is addressed.

(2) Numbers shall be displayed in Arabic numeric format, not in script.

(3) The house or building numbers, except in case of mobile home park lot/sites, shall be maintained within three (3) feet perimeter of an entrance whereby they are visible and readable from the street or road on which it fronts. However, in the event a building is not visible from one hundred (100) feet from the public street or road on which it fronts or the lot on which the building is located is landscaped in such a manner that such numbers cannot be seen from the public street or road, the assigned building number shall also be posted on the property at or near the property line at a driveway or entrance of such structure.

(4) Within mobile home parks the lot/sites numbers may be displayed using one (1) of the following methods:

a. Display in accordance with the requirements of subsection (3) above; or

b. Display at the mobile home park shall be marked in a uniform manner within the park by placement at or near the individual mobile home a pedestal or post, no less than three (3) feet nor higher than five (5) feet above ground level, containing the assigned number of the individual mobile home; or

c. If an individual mailbox is placed at each mobile home lot/site, the number shall be displayed thereon. If a central cluster postal box site is provided, the assigned lot/site, the number shall be displayed thereon in addition to the display at each mobile home; or

d. In the event the mobile home rests on a permanent foundation, the structure may be marked in accordance with subsection (3) above.

(5) The color of the number(s) placed on a structure or pedestal shall be in contrast to the color scheme of the house, building, mobile home or pedestal so that the number is clearly visible and shall be maintained in a clearly visible manner. The certificate of compliance [will not be granted] until the assigned number is posted in accordance with this section.

(6) Following the posting of the assigned number as required, the owner or occupant shall maintain such house or building number at all times in compliance with the above standards. Building numbers shall not be obstructed from view by shrubs or vegetation as viewed from the public road.

(7) Violation of this section is a misdemeanor as provided by G.S. 14-4 and may be punished as provided therein. Each day the violation continues after the offending owner or occupant has been notified of the violation shall constitute a separate violation of this section.

(8) Notice of violation of this section sufficient to allow the daily criminal penalties of subsection (7) to be invoked may be given by the planning director or building inspector. Such notice must be in writing to the owner of the dwelling or building and set forth what action is necessary in order for the offender to be in compliance.

Minimum Housing Standards

Sec. 8-92. - In rem action by inspector; placarding.

(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the mayor and board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and section 8-90(c), the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the mayor and board of commissioners, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

Sec. 8-97. - Violations; penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the

inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 8-90, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration of improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) The violation of any provision of this article shall constitute a misdemeanor, as provided by section 1-12.

Abandoned Structures

Sec. 8-127. - In rem action by inspector; placarding.

(a) After failure of an owner of a structure to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and section 8-125(c), the inspector shall proceed to cause such structure either to be repaired or else removed or demolished, as directed by the ordinance of the board of commissioners and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

Chapter 9 Cemeteries.

Sec. 9-1. - Disturbing peace of cemetery.

It shall be unlawful for any person to disturb the peace, quiet and good order of the town cemetery by noise of any kind, or any other disorderly or other unlawful conduct.

Sec. 9-2. - Refusal to leave.

Any person refusing to leave the premises of the town cemetery when notified to do so for any disturbance, disorderly or other unlawful conduct or other violation of the provisions of this chapter or town regulations governing the cemetery shall be deemed guilty of a misdemeanor.

Sec. 9-4. - Not to be used as a playground.

It shall be unlawful for any person to use the town cemetery as a playground.

Chapter 10 Fire Protection and Prevention.

In General

Sec. 10-1. - False fire alarm prohibited.

(a) It shall be unlawful for any person to willfully give or cause to be given a false alarm of fire by ringing any bell or shouting or otherwise.

(b) It shall be unlawful for any individual, corporation, agency, organization, business or group within the corporate limits to continue the operation of malfunctioning automatic alarm systems that repeatedly lead to false alarms.

Sec. 10-3. - Obstruction of firefighters in discharge of duties.

It shall be unlawful for any person to interfere with a firefighter in the discharge of his duty in such a way as to hinder him in the performance of the same, or to change, handle or meddle with any of the fire apparatus while in use or in possession of the fire department.

Sec. 10-4. - When traffic may be restricted.

It shall be unlawful for any person after being forbidden by any officer of the town, to ride or drive a vehicle through any street, alley or square on which the fire department is assembled for practice.

Sec. 10-5. - Unauthorized riding on apparatus.

It shall be unlawful for any person not a bona fide member of the fire department to mount any fire apparatus or vehicle before it leaves the station or while on its way to or from a fire, or at any time unless by permission of the chief of the fire department or officer in charge of such fire vehicle or engine; provided, that this section shall not apply to any police officer of the town whose duty it is to preserve property and keep the peace at the scene of a fire.

Fire Prevention Code

Sec. 10-24. - Permits.

(a) This Code shall require permits from the code enforcement officer as set forth in the North Carolina Fire Prevention Code of the North Carolina State Building Code.

(b) It shall be the duty of the code enforcement officer to evaluate applications and issue, if approved, all permits for those conditions as prescribed in the North Carolina Fire Prevention Code of the North Carolina State Building Code, and this Code.

(c) No person shall maintain, store, handle materials, and conduct processes which produce conditions hazardous to life or property, or install equipment used in conjunction with such activities without a permit as required by the code enforcement officer and as prescribed in the North Carolina Fire Prevention Code of the North Carolina State Building Code and this Code. Before a permit may be issued, the code enforcement officer shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.

Sec. 10-26. - Aboveground and underground tank installation.

Before any aboveground or underground tank used for the storage of volatile flammable or combustible liquids or any other hazardous material covered by the provisions of this Code shall be installed, a permit must be issued and shall be granted only upon written application made to the Siler City Building Inspections Office.

Sec. 10-27. - Aboveground and underground tank removal.

Before any aboveground or underground tank used for the storage of volatile flammable or combustible liquids or any other hazardous material covered by the provisions of this Code shall be removed, a permit must be issued and shall be granted only upon written application made to the Siler City Building Inspections Office setting forth therein the location, character, size/capacity, removal date, degassing method, and location where the tank will be taken. Aboveground and underground tanks must be removed from the property the same day of the actual removal. The building codes administrator and/or his authorized representative shall have the right to inspect the tanks and ancillary equipment before and after actual removal.

Sec. 10-29. - Violations and penalties.

(a) Any person who shall violate any of the provisions of the Code hereby adopted or who shall fail to comply with any judicial warrant, lawful order, or regulation made there under or who builds in violation of any specifications or plans submitted and approved there under or any permit issued thereunder shall be guilty of a misdemeanor. Each day that such violation continues shall constitute a separate offense. In the name of the town, the code enforcement officer, through the town attorney, may enjoin the construction or erection of any facility, building, or structure which does not conform to the provisions of the Code.

Chapter 11 Health and Sanitation.

Article I. In General

Sec. 11-2. - Water flow obstructions.

It shall be unlawful for any person to place any obstruction in any waterway so that the water shall accumulate on any street, or in any other manner to obstruct the flow of water through or from any street of the town, whether such obstruction is placed upon his own property or that of any other.

Article II. Noxious Weeds and Similar Nuisances

Sec. 11-31. - Deemed unlawful.

It shall be unlawful for the owner or occupant of any lot or parcel of land in the town to permit to exist on any such lot or parcel of land any condition which may be declared to be noxious, detrimental to health or to constitute a nuisance.

Sec. 11-32. - Enumeration.

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance or failure to abate such nuisances is hereby declared unlawful:

- (1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests.
- (2) Any place of weeds, grass or other noxious vegetation over eight (8) inches in height that is within two hundred (200) feet of the property line of an inhabited residence or business firm.
- (3) An open place of collection of water where insects tend to breed.

(4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature.

(5) An open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind.

(6) Privies.

(7) Any furniture, appliances or other metal products of any kind or nature openly kept which have rough or jagged edges of metal or glass.

(8) Any accumulation of rubbish, trash, old building materials or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation of mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(9) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

Sec. 11-34. - Penalty.

(a) Any violation of this chapter or failure to abide by any lawful order issued pursuant to this chapter shall be deemed a misdemeanor or infraction and shall be punishable as provided in G.S. 14-4

Article IV. Smoking in Municipal Buildings and Vehicles

Sec. 11-83. - Definitions.

Smoking shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

Sec. 11-84. - Smoking regulated in municipal buildings.

It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town.

Sec. 11-85. - Smoking prohibited in municipal vehicles.

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town.

Sec. 11-86. - Penalty.

Violation of this article by town employees subject to Chapter 20 of this Code shall be considered a failure in performance of required duties and may subject the employee to disciplinary action in accordance with Chapter 20 of this Code. For all other persons, violation of this article shall constitute a misdemeanor punishable in accordance with G.S. 14-4.

Chapter 13. Lakes

Sec. 13-2. - Pollution generally.

No person shall cause any public or private waters to be polluted, unless authorized in the town charter or by law.

Sec. 13-3. - Firing of guns, pistols or fireworks, prohibited.

No person shall fire a gun, pistol or fireworks from any boat on a lake or the shores of a lake.

Sec. 13-4. - Plowing or cultivating on bank of creek prohibited.

No plowing, cultivating or pasturing shall be permitted within fifty (50) feet of a lake. Such margin shall be kept free from briar or thicket growth, but tree and shrubbery growth may be cultivated thereon, under proper conditions for conserving the purity of the water.

Sec. 13-8. - Compost or manure not to be spread.

No spreading of any barnyard manure or compost shall be permitted within two hundred fifty (250) feet of the margin of a lake or any streams or tributaries thereto without being plowed in or otherwise covered within ten (10) hours after being spread. This section shall apply only within a distance of five (5) miles of the waterworks intake.

Sec. 13-9. - Location of stock pens.

No hog pen, cattle pen, horse or mule lot, poultry house, hitching or standing place for horses or cattle, or any other place where animal manure accumulates, shall be maintained or used within three hundred (300) feet of a lake, its streams or tributaries. All such pens and lots shall be cleaned at least once a month and the accumulated manure or other decaying matter disposed of in the barnyard manure pile or compost heap, or it may be spread upon the land in a manner not in conflict with section 13-8. This section shall apply within a distance of five (5) miles of the waterworks intake.

Sec. 13-10. - No urine, slops, wash water, etc., to be deposited.

No human excrement or urine shall be voided or deposited within a distance of one hundred (100) feet from the margin of a lake, or tributaries thereto; nor shall any water that has been used for washing clothing, bedding, carpets, harness, persons, horses, cattle or other animals; nor any garbage, house slops, kitchen waste or other forms of decaying, foul, noxious or putrescent matter, either solid or liquid, be thrown, spread or otherwise deposited on the surface of the ground within the one hundred-foot margin. No washing of clothing, bedding or carpets shall be done within a distance of two hundred (200) feet from the margin of a lake or the tributaries thereto.

Sec. 13-11. - Burial of human excrement.

No collection of human excrement or urine shall be deposited in a barnyard manure pile or compost heap, nor upon the surface of the ground within the area of the watershed, nor shall such matter be otherwise deposited thereon, except it be buried within at least one (1) foot of cover. This section shall apply within a distance of fifteen (15) miles of the waterworks intake.

Sec. 13-13. - Carcass of dead animal or offal not to be deposited on watershed.

No carcass of any dead animal or animal offal shall be thrown into a lake, nor deposited upon the surface within the area of the watershed, nor shall any such carcass be permitted by the owner of the land where found to remain unburied for a period exceeding ten (10) hours after being known to, found

by, or reported to, such owner. Such carcass shall be buried with not less than two (2) feet of cover at a point distant from any such streams or tributaries of a lake not less than five hundred (500) feet; except in cases where a carcass may be found that has been decomposed to such extent as to prevent its removal, when it may be buried near the place found, but distant not less than fifty (50) feet from any stream or tributary.

Chapter 14 Licenses.

Sec. 14-40. - Enforcement of chapter.

(a) Criminal remedies. Conducting business within this city without having paid the privilege license tax imposed by this chapter, or without a valid license issued in accordance with this chapter, or without posting a license in compliance with section 14-26 is a misdemeanor, punishable as provided by G.S. 105-109 or G.S. 14-4.

Chapter 15 Motor Vehicles and Traffic

Sec. 15-1. - Obedience to chapter provisions.

It shall be a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this chapter.

Sec. 15-3. - Riding on portion of vehicle not intended for passengers.

No person shall ride any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.

Sec. 15-4. - Number of passengers in front seat restricted.

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three (3) persons, including the driver, to ride in the front or driver's seat of a motor vehicle.

Sec. 15-5. - Passengers to remain inside vehicle.

No person shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are required by this chapter, and no person shall hang onto any vehicle whatsoever.

Sec. 15-6. - Entering or riding vehicle without consent of owner or driver.

No person shall enter, jump on or ride any vehicle without the consent of the owner or driver.

Sec. 15-7. - Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Sec. 15-8. - Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any other toy vehicle, shall not attach the same or himself to any public conveyance or moving vehicle upon any roadway.

Sec. 15-9. - Wheeled apparatuses on sidewalks, walkways, greenways, town parking lots, and town parks.

(a) For purposes of this section, wheeled apparatuses shall include but are not necessarily limited to the following: automobiles, trucks, motorcycles, go-carts, motor-driven bikes, all terrain vehicles, mini-bikes, scooters, coasters, golf carts, riding lawn mowers, motorized farm and construction equipment vehicles, and any other self-propelled vehicle as well as roller skates, skateboards, roller blades, and any other non-motorized wheeled apparatus. For the purposes of this section, bicycles and tricycles are excluded from this definition, but may nonetheless be excluded in certain areas with appropriate signage.

(b) It shall be unlawful for any person to drive, park, ride or use any wheeled apparatus upon or within any town sidewalk, walkway, town parking lot (except for licensed automobiles, trucks, and motorcycles), or any other public or private property which is not a public street or highway except in the following instances:

(1) Where such wheeled apparatus is being driven, ridden, or used upon property of the owner, resident, or occupant or by an authorized visitor when such visitor is accompanied by or has written authorization in his or her possession from the owner, resident, or occupant of such property.

(2) Where such use is permitted in accordance with the town's UDO.

(3) Where the use of any such wheeled apparatus is specifically allowed by the town in an area specifically designated for such use.

(4) Where the wheeled apparatus is a wheelchair.

(5) Where the wheeled apparatuses are skateboards, roller skates or roller blades used on sidewalks, outside of the central business district.

(c) It shall be unlawful for any person to drive, park, ride, or use any wheeled apparatus upon or within any town park, greenway, or bicycle path except in areas so designated, signed, and/or marked for use by wheeled apparatuses, and except for maintenance and/or other activities under the direction of and authorized by the town.

Sec. 15-10. - Use of skates, coasters, etc., in roadway.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street at a crosswalk or intersection, and except upon streets set aside as play streets.

Article III. Traffic Control Devices

Sec. 15-62. - Obedience to devices.

It shall be unlawful for any person to drive, operate or use a vehicle upon the streets of the town contrary to any signs, signals or other traffic-control devices that are placed upon the streets for the purpose of directing traffic, except upon direction of a police officer and except as otherwise provided in this chapter.

Sec. 15-64. - No left turns.

The following intersections are hereby designated as "no left turns," and left turns are prohibited at such intersections:

- (1) Each street segment at the point of intersection of Raleigh Street and Chatham Avenue.

Sec. 15-65. - Moving or damaging devices.

It shall be unlawful for any person to move, deface or otherwise damage any sign, signal or other traffic-control device placed upon the streets of the town.

Sec. 15-67. - Stop intersections.

When stop signs are placed, erected or installed upon streets intersecting a through street designated as provided in section 15-61 at the entrance thereto, or at the entrance to any intersection, or at any stop intersection so designated, every driver of a vehicle shall stop in obedience to such signs before entering the intersection and shall not proceed into or across such intersection until he has first determined that no conflict with traffic will be involved.

Sec. 15-68. - Yield intersections.

Whenever main-traveled or through streets are designated by erecting, at the entrance thereto from intersecting streets, signs notifying drivers of vehicles to yield the right-of-way to drivers of vehicles approaching the intersection on the main-traveled or through street, pursuant to section 15-61, it shall be unlawful for the driver of any vehicle to enter or cross such main-traveled or through street, unless he shall first slow down and yield the right-of-way to any vehicle in movement on the main-traveled or through street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main-traveled or through street.

Sec. 15-69. - Driving on one-way streets.

Upon those streets and parts of streets designated as one-way streets in accord with section 15-61, vehicular traffic shall move only in the indicated direction, when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Sec. 15-70. - Limitations on turning around.

No driver shall turn any vehicle and proceed in the opposite direction within a business district, unless a sign indicating that the same may be done is erected pursuant to section 15-61.

Sec. 15-71. - Truck routes.

(b) It shall be unlawful for any truck to use, travel upon or be driven upon any street, avenue or highway within the town not designated as a truck route as in subsection (a) hereof; provided however, that if the point of origin or destination, for commercial purposes only, for any such truck shall be off such route, then such truck may proceed by the shortest possible route to or from the nearest truck route.

Sec. 15-75. - Driving in quiet zones.

Whenever authorized signs are placed, erected or installed as a quiet zone pursuant to section 15-61, no person operating a motor vehicle within any such zone shall sound the horn, or other warning device, of such vehicle, except in an emergency.

Article IV. Operation of Vehicles Generally

Sec. 15-96. - Corner-cutting.

It shall be unlawful for any person to drive any motor vehicle upon or across any sidewalk, driveway, filling station or other commercial driveway or other similar surface located at the corner of any intersection protected by a traffic light or other traffic signal or sign, for the purpose of evading the regulations governing the turning of motor vehicles at intersections.

Sec. 15-97. - Blocking intersections or crosswalks.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 15-98. - Driving in sidewalk area.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Sec. 15-99. - Driving through funeral procession.

No vehicle shall be driven through a funeral procession, except an authorized emergency vehicle.

Sec. 15-100. - Limitations on backing.

The driver of a vehicle shall not back it into any intersection, or over a crosswalk, nor shall he back it otherwise unless such movement can be made in safety, and unless ample warning has been given by hand and horn or other signals.

Article V. Speed Regulations

Sec. 15-124. - School zones.

(a) It shall be unlawful for any person to operate or drive any vehicle at a speed greater than twenty (20) miles per hour in any school zone during a period of time of thirty (30) minutes prior to and thirty (30) minutes following the times when such school begins and ends its daily schedule.

(b) For the purposes of this section, a school zone shall be deemed to be that portion of any street abutting any school property for a distance not to exceed five hundred (500) feet on either side of such school property.

Chapter 16 Noise.

Sec. 16-1. - Prohibited generally.

It shall be unlawful for any person or group of persons to make, cause, continue to cause or continue to make any loud, raucous, or disturbing noise which term shall mean: any sound because of its volume, duration, or character annoys, disturbs, injures, frightens, or endangers the comfort, health, safety, or peace of reasonable persons with ordinary sensitivities, or disrupts the peaceful use and enjoyment of public or private property within the Town of Siler City.

Sec. 16-2. - Enumeration of specific noises.

The following acts are declared to make and/or cause noises that are loud, raucous, or disturbing (as defined in section 16-1 above) in violation of this chapter, but such acts shall not be deemed to be exclusive:

(1) To produce noise from any type of motorized vehicle including but not limited to automobiles, trucks, busses, motorcycles, model cars, minibikes, go carts, all-terrain vehicles, unlicensed motorized vehicles, motorized toys, or any other type of motorized vehicle in a manner as follows:

a. To use or permit to be used any motorized vehicle that is so out of repair, or loaded, or otherwise operated or maintained in a condition such that the vehicle creates loud and unnecessary grating, grinding, rattling or any other loud, raucous, or disturbing noise.

b. To operate any motorized vehicle without a muffler, or with a defective or damaged muffler, such that the vehicle emits an unreasonably loud, annoying, or disturbing noise, or to operate any motorized vehicle with a muffler that is constructed or built to intentionally emit an unreasonably loud, annoying, or disturbing noise.

c. To sound any horn or any type of signal device from, on, or in any type of vehicle except when the horn or signal device is used as a warning device.

d. To use any siren or similar device upon any vehicle, other than police, fire or other emergency vehicles authorized or required by law to maintain such a device.

e. To race the engine of any motor vehicle while such vehicle is not in motion, except when necessary so to do in the course of repairing, adjusting, or testing the same.

f. To drive a motor vehicle in such a manner as to cause a tire or tires to spin, skid, slide or slip and thereby make loud, raucous, disturbing, or excessive noise. This includes, but is not limited to, the operation of a motor vehicle in such a manner that the friction between the tires and pavement create or make a loud, disturbing or unnecessary noise. This is commonly known as "burning rubber" or "scratching off."

g. To play or operate any radio, cassette player, cd/dvd player, or any other sound producing device, instrument, or apparatus installed in and/or located in, on, or adjacent to any type of motorized vehicle such that the speaker volume is clearly audible from more than thirty (30) feet from the vehicle regardless of whether said vehicle is traveling on a public or private street, parked on public or private property, or stopped in traffic. The operator or possessor of said vehicle is the responsible party.

h. To create any loud, raucous, or disturbing noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers.

(2) To play at any time of any day any radio, phonograph, musical instrument, television, "boom box," or any electronic sound producing device with a volume louder than is necessary for the convenience of the person or persons who are specifically listening to or operating the sound producing device, or playing or operating said device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, other type of residence, church, or on any public property. The chief of police, however, may issue permits to qualified organizations for parades or to produce music, speeches, or general entertainment. See Siler City Code Section 17, Article III: Parades and Processions.

(3) To yell, shout, whistle, sing or make any other loud, raucous, or disturbing noise resulting from any party, gathering, or social or domestic situation activity.

(4) To keep, harbor, or authorize to keep or harbor any animal which causes any type of frequent or continual noise for five (5) minutes or more than disturbs the comfort, quiet, or repose of any person or persons. Types of animal noises include but are not limited to barking, crying, howling, meowing, singing, chirping, and scratching.

(5) To cause the blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work, or as a warning of danger;

(6) To use any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(7) To create any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within one hundred and fifty (150) feet of any hospital, where such noise would unreasonably interfere with the working of such institution; provided conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.

(8) To erect, excavate, demolish, alter, or repair any building in a residential or business district other than between the hours of 7:00 a.m. and 9:00 p.m. except in the case of urgent necessity in the interest of public safety.

(9) To sound any bell, siren, whistle, similar device attached to any building or premises, which disturbs the quiet or repose of persons in the vicinity thereof. None of the provisions in this ordinance shall be construed as prohibiting the playing of church bells or church chimes by hand or by mechanical musical instrument or device, electronic, or other method on churches or places of worship.

(10) To shout, yell, scream, or cry while acting in the capacity of a peddler, barker, hawker, or vendor.

(11) To play any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(12) To conduct, operate, or maintain any garage, service, or filling station in such a manner as to cause loud, raucous, or disturbing noises between the hours of 9:00 p.m. and 7:00 a.m.

(13) To fire or discharge any type of firearm (including air guns), explosive, firework, or similar device except as allowed by permit from the police department or allowed by law.

Chapter 17 Offenses and Miscellaneous Provisions.

Article I In General

Sec. 17-1. - Discharge of firearms, etc.

It shall be unlawful for any person to shoot or project any stone, rock, shot or other hard substance by means of a slingshot, beanshooter, air rifle, popgun, bow or other similar contrivance, or to fire any pistol, gun or other firearm within the town, except on archery ranges, firing ranges or in legally established shooting galleries or ranges, or in the discharge of duty by law enforcement officers.

Sec. 17-2. - Dangerous weapons, possession of.

If any person shall have in his immediate possession and control any bowie knife, dirk, dagger, slingshot, loaded cane, brass, iron or metallic knuckles, razor, pistol, shotgun, rifle or other deadly weapon of like kind while under the influence of intoxicating drink, or at the premises of a church, polling place or other public assembly, he shall be guilty of a misdemeanor. The provisions of this section shall apply within the town limits and within one (1) mile thereof.

Sec. 17-3. - Disorderly conduct.

Any person who shall be present and participating or aiding in any unlawful or disorderly conduct or assembly in any of the public streets, ways or buildings, whether on foot or in a vehicle, shall be deemed guilty of a misdemeanor.

Sec. 17-4. - Disturbing public meetings.

No person shall whistle, sing, shout or talk or make any noise at any concert, play, school commencement or other entertainment, or near the places where such are held, anywhere within the corporate limits, so as to disturb or annoy the person or persons taking part in or attending the same.

Sec. 17-5. - Disturbing the peace.

Any person who shall be guilty of any loud and boisterous cursing and swearing, or loud and vulgar language, or who otherwise may be found disturbing the peace of the town in any street, house or lot elsewhere in the town shall be deemed guilty of a misdemeanor.

Sec. 17-6. - Schools, discipline and order.

It shall be unlawful for any person to loiter unnecessarily in or around any public school ground in the town, or on the streets and sidewalks adjacent thereto, or to willfully interfere with or disturb any public school by whistling, signaling, blowing automobile horns or otherwise trying to attract the attention of the pupils of such school, or by willfully disturbing the teachers or pupils of such school in any manner. It shall be unlawful for any person to enter upon the grounds of any public school in the town for the purpose of doing any of the unlawful acts herein mentioned.

Sec. 17-7. - Gambling.

Except in bingo games held by nonprofit, charitable, fraternal or church organizations, it shall be unlawful for any person to play at any game of chance at which any money, property or other thing of value is bet. Both those who play and those who bet thereon shall be guilty of a misdemeanor.

Sec. 17-8. - Obscene shows.

If any person shall give or take part in any immoral show, exhibition or performance where obscene or indecent dances or plays are conducted, or profane or vulgar language is used in any booth, tent, room or other place in the town to which the public is invited, or if anyone permits such exhibition or performance to be conducted in any tent, booth or other place owned or controlled by him, he shall be deemed guilty of a misdemeanor.

Sec. 17-9. - Indecent exposure.

Any person who shall indecently expose himself or herself in any public place in the town shall be deemed guilty of a misdemeanor.

Sec. 17-10. - Malicious mischief.

It shall be unlawful for any person to willfully injure, damage, deface, break, mutilate or otherwise harm any real or personal property, whether public or private, not his own.

Sec. 17-11. - Peddlers, solicitors.

The practice of going in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same is declared to be a nuisance and punishable as a misdemeanor.

Sec. 17-12. - Prostitution—Solicitation prohibited.

It shall be unlawful for any person to solicit any man or woman for illicit sexual intercourse within the town.

Sec. 17-13. - Same—Houses.

(a) Selling or renting. No person shall knowingly sell or rent any house to be used as a house of prostitution or ill fame.

(b) Assignment. No person shall keep any assignment house or knowingly receive into any house, any man or woman for the purpose of permitting illicit sexual intercourse.

(c) Bawdy. No person shall keep any house for the purpose of permitting illicit sexual intercourse.

(d) Residence. No person shall stay or reside in any bawdy house or in any house of prostitution, assignment or ill fame.

Sec. 17-14. - Throwing objects.

No person shall throw from any window, porch, door or roof of any building or structure any article which may endanger or annoy the pedestrians on any street.

Sec. 17-16. - Loitering and disorderly conduct on public property.

(c) Loitering generally.

(1) It shall be unlawful for any person or persons to congregate with others, loiter, stand around, lounge, sit upon parked vehicles, stop or leave cars or vehicles parked or standing with the intent or under circumstances evidencing the purpose to interfere with or impede the flow of vehicular or pedestrian traffic, littering, consuming or using alcoholic beverages, or otherwise disturbing the peace.

(2) In determining whether there is intent or purpose to impede the flow of vehicular or pedestrian traffic or violate this subsection (c), the following circumstances shall be considered:

- a. Number of individuals loitering about; or
- b. Actual interference with pedestrian or vehicular traffic; or
- c. Loud, abusive or boisterous conduct; or
- d. Abusive language or conduct toward pedestrians and drivers; or
- e. Presence of litter; or
- f. Presence of empty or partially-consumed beer cans and alcoholic beverage containers; or
- g. Whether the individuals loitering about can give lawful reasons for being at that place at that time; or
- h. Whether permission from the property owner, director of public housing or the town has been obtained, when such permission is required either by ordinance, by posted sign, or by other displayed information.

(3) No arrest shall be made for a violation of this subsection (c) unless the arresting officer first affords such person an opportunity to explain his conduct and allows such person the opportunity to leave the area.

(4) No one shall be convicted of a violation of this subsection (c) if it appears at trial that the explanation given to the officer was true, and disclosed a lawful purpose, or if the arresting officer did not give consideration to the factors that disclose the required intent under this section and then allowed the person to leave the area.

(d) Loitering for purposes of engaging in illegal drug activity.

(1) It shall be unlawful for any person or persons to loiter, remain or wander about in a public place with the intent to or in a manner and under circumstances indicating the purpose to violate any provision of the North Carolina Controlled Substances Act (G.S. ch. 90, art. 5) or any other law defining or prohibiting illegal drug activity.

(2) Circumstances to be considered in determining whether a person is loitering or wandering about in a public place with the intent or for the purpose of violating the North Carolina Controlled Substances Act or other related drug laws shall include:

- a. Repeatedly beckoning to, stopping or attempting to stop people passing by, pedestrians or drivers of vehicles, or repeatedly attempting to engage passers-by in conversation; or
- b. Repeatedly stopping or attempting to stop motor vehicles; or
- c. Repeatedly interfering with the free passage of other persons; or

d. Such person is a known unlawful drug user, possessor or seller which for purposes of this section is a person who has been convicted within this state of any crime involving the use, possession or sale of any substance referred to in the North Carolina Controlled Substances Act or the North Carolina General Statutes or has been convicted of any violation of any substantially similar law of any other state or of the United States;

e. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or

f. Such person repeatedly passes to or receives from individuals passing by, whether on foot or in a vehicle, money or other objects; or

g. Such person takes flight upon the approach or appearance of a police officer, or engages in furtive conduct at the appearance of a police officer; or

h. Such person is at a location known to be frequented by persons who use, possess or sell drugs; or

i. Any vehicle involved is registered to a known unlawful drug user, possessor, buyer, seller, as defined above, or is known to be or have been involved in drug-related activities.

(3) In considering the circumstances described above, "repeatedly" shall mean three (3) or more times.

(4) No arrest or charge is permitted under this subsection unless the circumstances establish probable cause to believe that the person intended to violate one (1) or more of the provisions of the North Carolina Controlled Substances Act.

(e) Penalty. Any violation of the provisions of subsections (c) or (d) above shall subject the offender to the penalty set forth in section 1-12 of this Code and is specifically declared to be a misdemeanor or infraction as provided by G.S. 14-4 and subject to the penalties set forth therein.

Article II. State of Emergency Curfew

Sec. 17-45. - Prohibited acts.

During the existence of a proclaimed state of emergency when a curfew has been defined and imposed, it shall be unlawful for anyone subject to such curfew:

(1) To be or travel upon any public street, alley or roadway or upon public property, unless such travel is necessary to obtain medical assistance.

(2) To possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapons of any kind.

(3) To sell beer, wines or intoxicating beverages of any kind; or to possess or consume the same off one's own premises.

(4) To sell gasoline or any other similar petroleum products, or any other combustible or inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

Article III. Parades and Processions

Sec. 17-67. - General requirements.

It shall be unlawful for any person to initiate, promote or participate in any parade over the streets and/or sidewalks of the town, except as provided in this article.

Sec. 17-68. - Permit required.

A parade may not be conducted until a permit therefor has been secured. Parade permits may be obtained from the chief of police upon application made in writing at least one (1) week before the date on which the parade is to be held and shall state approximate number of vehicles or participants participating therein.

Chapter 22 Railroads

Sec. 22-1. - Speed limit.

It shall be unlawful for any person to operate or run any train within the corporate limits of the town at a greater rate of speed than twenty (20) miles an hour.

Sec. 22-2. - Unnecessary whistle blowing.

It shall be unlawful for any person operating or running a railroad train within the town to blow or allow to be blown any locomotive whistle within the town limits, except when necessary for proper signals.

Sec. 22-3. - Obstruction of crossings.

It shall be unlawful for any railroad company or any employee or agent thereof to obstruct, or cause to be obstructed, in any manner whatsoever, any street, alley or other public way within the town by means of any locomotive, car, or train that is not in motion, or otherwise, for a period of time in excess of five (5) minutes.

Sec. 22-5. - Obedience to warning devices.

Whenever any person driving a vehicle approaches a railroad track crossing with any street, alley or other public way in the town and a clearly visible and positive signal gives warning of the immediate approach of a railroad train, car or other similar equipment, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop and ascertain that further movement can be made in safety before traversing such grade crossing.

Sec. 22-8. - Loitering around railroad tracks, yards, etc.

It shall be unlawful for any person to play or loiter around any railroad tracks or yards, or in, over or about the cars or engines standing about such yards or tracks, to get on or attempt to get on board any car or engine while the same is in motion within the town.

Chapter 25 Streets and Sidewalks

Sec. 25-16. - Street numbers for buildings.

(a) All buildings fronting on any street or alley in the town shall be numbered in some conspicuous place by the owner thereof, according to the map made by the public works director and on file in his office, all odd numbers being on one side of the street and all even numbers on the other.

(b) Any person desiring to have a number put on his building shall first apply to the public works director for the proper number, and any person failing or refusing to put the proper number on his building or putting the wrong number thereon, or failing or refusing to comply with any other requirement of this section shall be guilty of a misdemeanor.

Chapter 27 Utilities

Sec. 27-2. - Sale of service by customer.

It shall be unlawful for any person to resell any utility service obtained from the town to others.

Sec. 27-5. - Use of fire hydrants restricted.

(a) Fire hydrants shall be provided for the sole purpose of use to extinguish fires and shall be used and opened only by the water and fire departments or such persons as may be given authority by the town supervisor or fire chief.

(b) It shall be unlawful for any person to carry away water from fire hydrants without written permission from town supervisor, or to place upon or about any fire hydrant, gate valve, curb cock, meter or meter box, any object, material, debris or structure of any kind so as to prevent immediate access to same.

Sec. 27-14. - Tampering with utility connections or appurtenances prohibited.

It shall be unlawful for any person to purposely cut on, cut off or damage any meter, meter box, utility connection or appurtenance or to interfere with any meter, meter box, utility connection or appurtenance belonging to the town.

Sec. 27-66. - Water and sewer connections; when required; exception.

Every person owning a house and lot, or building, used for human habitation or occupancy in the town, which lot abuts or adjoins a street or alley along which is located a public sanitary sewer which is accessible within two hundred (200) feet of such lot, and a water line which is accessible within three hundred (300) feet of such lot, shall make an approved water and sewer connection with his house, building or other place of human habitation or occupancy; and no person shall maintain, use or operate a privy, cesspool or septic tank located on a lot accessible to the sanitary sewer within two hundred (200) feet of such lot, and accessible to a water line within three hundred (300) feet of such lot; provided, that no person shall be required to cross the private property of any person to make such water or sewer connections; and provided further, that no person shall occupy any house or building for human habitation after the water supply has been cut off, except in cases where the water supply is cut off temporarily for the purpose of effecting necessary repairs; and provided further, that in lieu of a public sewer connection where no public sanitary sewer line is accessible, as indicated in this section, a septic tank approved by the county health department shall be installed.

Sec. 27-67. - Water and sewerage facilities; when required.

No person shall build or remodel any structure used for human habitation or occupancy within the town which is not provided with water-carried sewerage facilities.

Sec. 27-68. - Plumbing permit required.

(a) No water or plumbing fixtures shall be installed, and no building or toilet fixture shall be connected with a public or private sewer line or private septic tank, without first obtaining a plumbing permit.

(b) No private septic tank disposal system, or other means of sewage disposal, shall be installed until a permit for such installation shall have been issued by the county health department. This permit shall be issued only when the size, design and construction of such proposed sewage treatment facilities shall conform to the standards and requirements of the county health department. The discharge of septic tank effluent or cesspool overflow to any open drain, stream or well is prohibited. In no event shall a septic tank be permitted on a lot less than twenty thousand (20,000) square feet in size.

Sec. 27-85. - Damage to sewerage works, equipment.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the town and used or intended to be used for the purposes of making measurements, tests or examination and left upon the premises of a person discharging wastes into the sanitary sewer. This prohibition against damage shall also apply to any part of the sewerage works.

Sec. 27-87. - Discharge of certain drainage water into sanitary sewers restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage. Unpolluted process and cooling waters may, upon written application and approval by the approving authority, be discharged to sanitary sewers.

Sec. 27-101. - General discharge prohibitions.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

Sec. 27-107. - Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state unless specifically authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the town or the state.

Sec. 27-110. - Prohibited discharge to storm sewers.

The discharge of domestic sewage or industrial sewage to the stormwater sewer system is strictly prohibited.

Sec. 27-131. - Wastewater dischargers.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the POTW director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The POTW director is

authorized to prepare a form for this purpose and may periodically require users to update this information.

Sec. 27-207. - Discharge prohibitions.

(a) No user shall contribute or cause to be contributed into the POTW (publicly owned treatment works) the following pollutants, substances, or wastewater which will cause pass through or interfere with the operation or performance of the POTW. Such as but not limited to:

(1) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference with the wastewater treatment plant. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause pass through or interference.

(2) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l. as identified by EPA approved methods.

Siler City Unified Development Ordinance

§104 Penalties and Remedies for Violations (a) Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special-use or conditional-use permits, shall constitute a misdemeanor, punishable by a fine of up to one hundred dollar (\$100.00) per day, or a maximum thirty (30) days imprisonment, or both.